IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
Income Tax Application No.33 of 2001

The Commissioner of Income Tax .. Applicant
v/s.
M/s.Foods Inns. Ltd. ..Respondents

Mrs.A.S.Rao for applicant.

CORAM : H.L. GOKHALE &
V.R. KINGAONKAR, JJ.

DATED : 1st August 2006

P.C. :

1. Heard Mr.Rao in support of this Application.

2. The question of law which is sought to be raised in this Application is whether on the facts and in the circumstances of the case and in law, the Tribunal was justified in deleting the addition made by the Assessing Officer on account of MODVAT credit of excise duty. This question has been covered in favour of the assessee in the case of **Commissioner of Income Tax vs. Indo Nippon Chemicals Co.Ltd. reported in ITR 261 page 275**. This being the position, no need to entertain the Application and the same is dismissed.

(H.L. GOKHALE, J.)

(V.R. KINGAONKAR, J.)